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WORK PROGRAMME, INCLUDING TECHNICAL ASSISTANCE, ADVISORY
AND TRAINING PROGRAMMES ON COMPETITION LAW AND POLICY
AND PREPARATIONS FOR THE FOURTH UNITED NATIONS CONFERENCE
TO REVIEW ALL ASPECTS OF THE SET OF PRINCIPLES AND RULES

Review of technical assistance, advisory and training programmes
on competition law and policy

Note by the UNCTAD secretariat

Executive summary

UNCTAD provides various types of technical assistance and advisory and training programmes on competition law and policy to developing countries and countries in transition in accordance with requests received, the needs of the countries concerned and the resources available. In this note, the technical cooperation activities of the UNCTAD secretariat are described under three main subheadings: national activities; regional and subregional activities; and participation in seminars and conferences. The note also contains extracts from replies from States members of UNCTAD and international organizations to the request by the Secretary-General of UNCTAD for information on technical cooperation activities provided, planned or received in the field of competition law and policy. The main points from replies requesting technical assistance in specific areas of competition law and policy or highlighting issues which should receive priority attention are also included.

CONTENTS

	<u>Paragraphs</u>
I. INTRODUCTION	1 - 3
II. PROGRESS REPORT ON UNCTAD TECHNICAL COOPERATION	4 - 22
A. National activities	6 - 15
B. Regional and subregional activities	16 - 21
C. Participation in seminars and conferences	22
III. TECHNICAL COOPERATION OF MEMBER STATES AND INTERNATIONAL ORGANIZATIONS	23 - 60
A. Technical assistance provided, planned or received	23 - 49
B. Requests for technical assistance	50 - 60

I. INTRODUCTION

1. It is recalled that the Third United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices requested the UNCTAD secretariat, taking into account the increased needs for technical cooperation and assistance in developing countries, countries in transition and other countries, to carry out a review of the technical cooperation activities undertaken by UNCTAD and other international organizations, as well as by individual States, with a view to strengthening its ability to provide technical assistance for capacity-building in the area of competition law and policy (TD/RBP/CONF.4/15, Annex I). The Third Review Conference also urged intergovernmental organizations and financing programmes and agencies to provide resources for technical cooperation activities in this area, and it appealed to Governments, in particular those of developed countries, to increase voluntary financial contributions and to provide the necessary expertise for the implementation of such activities.

2. Subsequently, in the agreed conclusions of its first session, the Intergovernmental Group of Experts on Competition Law and Policy took note with appreciation of the voluntary financial and other contributions received from member States and invited all member States to assist UNCTAD on a voluntary basis in its technical cooperation activities by providing experts, training facilities or financial resources. It also requested the UNCTAD secretariat to pursue its technical cooperation activities within available resources, taking into account the deliberations and consultations that had taken place at the session, and invited the Secretary-General of UNCTAD to explore the feasibility of supporting training and capacity-building on a regional basis within available resources. It further requested the UNCTAD secretariat to prepare for consideration by the forthcoming meeting of the Intergovernmental Group of Experts an updated review of technical assistance, taking into account the information to be submitted by member States and international organizations no later than 31 January 1999 (TD/B/COM.2/CLP/5, Annex I).

3. Accordingly, this note contains a progress report on the technical cooperation activities of the UNCTAD secretariat in the period shortly before and after the first session of the Intergovernmental Group of Experts, held in July 1998, as well as extracts from replies from member States to the request by the Secretary-General of UNCTAD for information on technical cooperation activities in the field of competition law and policy (TDN 915 (1) of 22 October 1998).

II. PROGRESS REPORT ON UNCTAD TECHNICAL COOPERATION

4. UNCTAD provides assistance and advisory and training programmes on competition law and policy to developing countries and countries in transition in accordance with requests received, the needs of the countries concerned and the resources available. The main types of technical cooperation activities carried out by the secretariat are as follows:

(a) Provision of information on restrictive business practices, their existence and possible adverse effects on the economy - this may involve a study of restrictive business practices in a specific country;

(b) Introductory seminars directed at a wide audience, including government officials and academics, as well as business and consumer-oriented circles;

(c) Assistance to States which are in the process of drafting competition legislation, in the form of provision of information on such legislation in other countries or advice on drafting competition legislation;

(d) Advisory services for the setting-up of a competition authority - these usually include training the officials responsible for the actual control of restrictive business practices and may involve training workshops or on-the-job training with competition authorities in countries with experience in the field of competition;

(e) Organization of seminars for States which have already adopted competition legislation, have experience in the control of restrictive business practices and wish to consult each other on specific cases and exchange information;

(f) Assistance to States which wish to revise their competition legislation and seek expert advice from competition authorities in other States, to enable them to amend their laws as effectively as possible.

5. The main technical cooperation activities carried out by the UNCTAD secretariat for the above-mentioned period are described below.

A. National activities

6. UNCTAD participated in the process of developing the competition law and policy of **Malawi**. The Competition Bill was drafted in close cooperation with UNCTAD, which recruited an expert to coordinate and finalize the work of the drafting team. An advisory mission was organized by UNCTAD to provide assistance in the preparation of the rules of application of the competition law and in drafting the job descriptions of the commissioners recruited for the Competition and Fair Trade Commission. UNCTAD also assisted in arranging for the participation of two Malawian officials in a three-week training course organized by the Monopolies and Prices Commission of Kenya in cooperation with UNCTAD.

7. The UNCTAD secretariat has continued to collaborate with the Government of **Mauritius** on the finalization of a competition law for Mauritius, which was prepared by experts earlier engaged by UNCTAD. Once the law is adopted, UNCTAD will be involved in the implementation of follow-up activities to be agreed upon in cooperation with the Mauritian authorities.

8. As a result of an advisory mission undertaken by the secretariat to **Zambia**, a training programme for national officials was developed, the first phase of which consisted of the attachment of three Zambian commissioners to the Norwegian competition authority in September 1998. The preparatory work on a common approach to competition policy for the member States of the Common Market for Eastern and Southern Africa (COMESA) was completed, and a subregional conference to formulate such an approach is scheduled to be held in Lusaka in April 1999.

9. In September 1998 an advisory mission to **Morocco** was undertaken by the secretariat to support the efforts of the Ministry of General Affairs, which is responsible for the preparation of the Moroccan competition law, to discuss in detail the provisions of this law.

10. The secretariat has continued to collaborate with the Government of **Egypt** in the preparation of a competition law for that country. Together with the competition authorities of Italy and the European Commission (DG-IV), the secretariat has provided comments on revised draft competition legislation and organized a second advisory mission in cooperation with the Italian competition authority. The provision of further assistance to the Egyptian authorities is envisaged once the law is adopted.

11. Also in cooperation with the competition authorities of Italy and the European Commission (DG-IV), the secretariat provided comments on a draft revision of the competition law of **Kenya**. A study tour for officials from the Monopolies and Price Commission of Kenya was arranged by the secretariat, to allow them to visit the competition authorities of the United States of America.

12. A seminar on competition and consumer protection law was organized by the secretariat in November 1998 in **Viet Nam**. The seminar included training courses and visits to enterprises. Also, specific issues related to business practices in Viet Nam were discussed with managers and other economic operators. The secretariat also provided comments to the review panel working on the draft consumer protection law of Viet Nam.

13. A seminar on competition law and policy, organized by the State anti-monopoly service of **Georgia** in cooperation with the UNCTAD secretariat, was held in May 1998 in Tbilisi. The objective of the seminar was to enhance the expertise of participating national experts on competition, and to discuss their concerns and technical questions related to various aspects of competition and consumer protection legislation.

14. A national seminar in the **Islamic Republic of Iran** was organized in May 1998 by the secretariat in cooperation with the Ministry of Commerce in that country. The seminar brought together a wide range of participants, including representatives of ministries, the State and the private business sector as well as representatives from academic and consumer circles, and alerted them to the importance of the competition issue and specific features of competition legislation.

15. In addition, comments on draft competition legislation were also submitted by the secretariat at the request of the Governments of **Guatemala** and **Malaysia**. Additional requests for national seminars have been received from Benin, Botswana, Burkina Faso, Indonesia, Namibia and Togo.

B. Regional and subregional activities

16. The UNCTAD secretariat organized, in cooperation with the secretariat of the Central African Customs and Economic Union (UDEAC), a two-week workshop on competition law and policy for UDEAC countries, which took place in Libreville, Gabon from 6 to 17 July 1998. Participants from Cameroon, the

Central African Republic, Chad, the Congo, Equatorial Guinea and Gabon attended the workshop. One of the main objectives of the seminar was to train experts from UDEAC, who would then assume training responsibilities in their home countries. An important feature of the seminar was the focus on case studies presented by resource persons and participants, which formed the basis for discussion and an exchange of information on different approaches to anti-competitive practices. This seminar was the third in a series of regional and subregional seminars planned for Africa (the two previous seminars had been held in Nairobi in January 1998 and in Cairo in March 1998).

17. A regional Arab seminar on competition law and policy, held in Manama, Bahrain, from 20 to 21 October 1998, was organized by UNCTAD jointly with the Government of Bahrain and was attended by representatives of Bahrain, Egypt, Jordan, Lebanon, Mauritania and Saudi Arabia. Lectures were given by experts from Germany, Malta, Morocco and Tunisia. The objective of the seminar was to assist Arab countries in participating fully in the multilateral forums at which competition issues are discussed and domestic competition policies are formulated. Participants discussed various issues of competition law and policy of relevance to the countries in the region, specifically addressing the problems of small and oil-dependent economies.

18. In cooperation with the authorities of Côte d'Ivoire, UNCTAD held a regional seminar on competition law and policy and consumer protection for West African countries from 16 to 18 December 1998 in Abidjan. The seminar was attended by participants from various ministries, business associations and consumer groups from Benin, Burkina Faso, Chad, Mali, Mauritania, Senegal and Togo, as well as the host country. The seminar included training courses and visits to enterprises. Also, specific issues related to business practices in Côte d'Ivoire and other participating countries were discussed with managers and other economic operators. Follow-up national seminars are planned for 1999 in five countries of the region.

19. Within the framework of project activities in Africa, a subregional seminar is planned for the first half of 1999 in Morocco, on the role of competition and consumer protection legislation for developing countries in the period of globalization.

20. In cooperation with the German Foundation for International Economic Development, in February 1999 UNCTAD organized a subregional workshop in Pakistan on the harmonization of national competition policies as an integral part of economic cooperation, for the countries of the South Asian Association for Regional Cooperation (SAARC). Participants from Bangladesh, India, Nepal, Pakistan, Sri Lanka and the SAARC secretariat attended this seminar.

21. UNCTAD is also involved in the preparation of an international forum on cooperation in competition policy to be held in Ukraine in May 1999.

C. Participation in seminars and conferences

22. During the period under review, members of the UNCTAD secretariat took part in a number of seminars, workshops and conferences on issues related to competition law and policy and consumer protection. In particular, resource persons from UNCTAD made substantive presentations or participated in discussions at the following meetings:

(a) The Second Oslo Competition Conference (21-22 September 1998), which brought together a wide range of government officials, business representatives and academics to discuss the foundations of competition policy analysis;

(b) The First International Competition Symposium, held from 5 to 6 October 1998 in Istanbul by the Turkish Competition Authority;

(c) The OECD Committee on Competition Law and Policy, Working Party No. 2 on Competition and Regulation and Working Party No. 3 on International Cooperation (Paris, 26-31 October 1998);

(d) The International Development Law Institute (IDLI) seminar on trade liberalization and restrictive business practices (Rome, 16-27 November 1998), which was attended by senior officials from developing countries in Asia, Africa and Latin America;

(e) The Asia-Pacific Economic Cooperation Forum (APEC)/PPF Course on Competition Policy for APEC Member Economies (Chiangmai, Thailand, 1-4 March 1999), jointly organized by the Department of Internal Trade of Thailand and the Fair Trade Commission on the International Cooperation Agency of Japan.

III. TECHNICAL COOPERATION OF MEMBER STATES AND INTERNATIONAL ORGANIZATIONS

A. Technical assistance provided, planned or received

23. Below are the main points from the replies to the Secretary-General's note TDN 915 (1) of 22 October 1998, which requested information on technical cooperation activities in the field of competition law and policy.

Azerbaijan

24. The Ministry of Foreign Affairs of Azerbaijan informed the Secretary-General that an agreement on the conduct of an agreed anti-monopoly policy among the member States of the Commonwealth of Independent States had been signed, and its validity was envisaged to be extended till 2001.

Bulgaria

25. The Bulgarian Commission for the Protection of Competition (CPC) has received technical assistance in the field of competition law and policy from the European Commission through the PHARE programme (1993-1995). The following activities have been undertaken under this programme: analysis of

Bulgarian competition law, with a proposal for its improvement; information system; initial list of assistance received from certain States; assistance in resolving specific cases; training courses for specialists; library on problems relating to competition policy and practice. With technical assistance from OECD, the CPC experts participate in international seminars on competition law and practice. Technical assistance has been provided by the United States Agency for International Development (USAID), the Japanese Agency for International Cooperation (JAIKA), the Governments of France and Germany, and the German Agency for International Legal Assistance. This assistance has taken the following forms: seminars (in Bulgaria or abroad), training courses, documentation. In 1998, the CPC formulated a new technical assistance project under the PHARE programme, but unfortunately financing has not been forthcoming.

Burkina Faso

26. The liberalization of the economy of Burkina Faso with an appropriate legal framework has prompted the national authorities to set up a body to regulate competition - the National Commission on Competition and Consumer Protection. Consequently, increased technical assistance in strengthening competition law and policy in Burkina Faso has become extremely important. Unfortunately, the country does not receive technical assistance in the field of competition law and policy as such. Relevant activities amount to occasional participation in international seminars.

Colombia

27. In November 1996, in the context of South-South cooperation, the Colombian Office of the Superintendent of Industry and Trade offered the following opportunities: (a) the participation of officials in seminars on restrictive business practices and the promotion of competition; (b) technical assistance in the establishment of an area devoted to the promotion of competition and to restrictive business practices; (c) training to enable officials of other agencies to participate in preliminary inquiries, investigations, sectoral studies and visits by the Superintendent's Office; (d) exchange of information relating to legislation, business integration operations, sectoral studies and database on the economic activity of firms. Although the above activities were made available, no offer was taken up. At present, the Superintendent's Office is reported to be in a position to repeat the previous offers. Under the "Col-97-006 programme, Development of the Financial Sector and Credit Capital Market BIRF 4196" there is a chapter devoted to the development of competition and anti-monopoly policy capacity aimed at developing the following areas: institutional policy know-how and substantive areas, institutional know-how on procedural matters, policies, guidelines and regulations, and infrastructure.

Finland

28. In 1997-1998, the Finnish Competition Authority (FCA) primarily carried out technical cooperation activities in the antitrust field with Estonia and the near regions of the Russian Federation. The bilateral technical cooperation with Estonia is based on an umbrella agreement on economic cooperation and support concluded by the Finnish and Estonian Governments.

In 1996, an annual programme for Finnish-Estonian cooperation on economic and technical assistance was established. Technical cooperation with the Russian Federation is based on a temporary agreement between the FCA and the State Anti-Monopoly Committee of the Russian Federation. The FCA also participated in the technical assistance coordinated by the European Commission and the Organization for Economic Cooperation and Development (OECD).

29. Technical cooperation included seminars and visits organized for officials from competition authorities and for judges. The FCA has also provided assistance on legislative, administrative and information system issues. In 1998, two seminars were held in Estonia and the FCA received four Estonian officials to familiarize them with Finnish competition law and policy and the working methods of the FCA. Within the framework of cooperation with the Russian Federation, two one-week study trips were organized, one for two Finnish officials to the Russian State Anti-Monopoly Committee and the regional office in St. Petersburg, and the other for two Russian officials to Finland. An official from the FCA also participated in a four-day seminar organized by the OECD in St. Petersburg for Russian judges and officials.

France

30. Technical assistance activities undertaken by the French Directorate-General for Competition, Consumer Protection and Fraud Control (DGCCRF) in 1998 have involved the central and eastern European countries (CEECs - Bulgaria, Czech Republic, Estonia, Romania, Slovenia), Brazil, China, Côte d'Ivoire, Russia, Taiwan and Tunisia. There is a tendency towards redeployment to the CEECs and Latin America, cooperation with Argentina being planned for 1999. Most of these activities have been financed in a bilateral context by the Ministry of Economic Affairs, Finance and Industry (ADETEF), with the exception of Côte d'Ivoire and Estonia (financing by the Ministry of Foreign Affairs), Russia (covered by the TACIS programme) and Romania (covered by the PHARE programme). The DGCCRF missions comprise various types of activities: training seminars, appraisal of legal texts, evaluation of administrative supervisory structures. The DGCCRF is endeavouring to incorporate its activities, which represent responses to requests by foreign Governments, within an overall, graduated programme covering several years.

Germany

31. The technical cooperation activities of the Federal Cartel Office (FCO) of Germany consist mainly of providing information during in-house talks and at seminars held in the countries concerned and in third countries. The latter activities are mostly financed by outside funds from, *inter alia*, private associations and foundations. In 1997-1998, the FCO received delegations from 21 countries seeking information on German competition law, the structure and function of the FCO and privatization issues. During the same period, experts from the FCO went on technical assistance missions and participated in international conferences and seminars in Austria (a seminar for east European countries), Bahrain, Brazil, Bulgaria, Ecuador, Germany (a seminar for the staff of the Turkish Competition Authority), Indonesia, Kenya, Malaysia, Romania, the Russian Federation, Sri Lanka and Ukraine. As one member of the Federal Trade Commission of Korea completed a training period at the FCO, a new member began his traineeship.

Italy

32. During 1998 the Italian Competition Authority participated in training and technical assistance seminars in the field of competition organized by OECD in Helsinki and Istanbul and by UNCTAD in Cairo. The Italian Authority also participated in a training course on competition policy organized by the World Bank. At the bilateral level, the Italian Authority commented on competition law projects formulated by Egypt and Kenya, and it hosted a two-day visit by officials from the Polish Competition Authority. The technical assistance programme focused primarily on the following subjects: examination of Italian law; relations between the Italian Competition Authority and the Commission; methods of legal and economic analysis used by the Authority in cases of abuse, conspiracy and concentrations; relations between liberalization, privatization and competition.

Japan

32a. In cooperation with the Japan International Cooperation Agency (JICA), the JFTC has started to hold a group training course on Anti-Monopoly Act & Competition Policy for mid-level staff of competition authorities of developing countries since 1994. This course consisted not only of explanation of Japan's competition law and policy, but also of studies on competition laws of other developed countries, case studies to illustrate the role of competition policy, and reports and discussions about participants' experiences in their home countries as well. The JFTC has also started to hold focused country training programmes on Anti-Monopoly Act & Competition Policy for mid-level staff of competition authorities in China, Thailand and the Russian Federation.

Norway

33. In 1998, the Norwegian Competition Authority (NCA) organized a two-week programme for three competition experts from the Zambia Competition Commission. The NCA's legal director assisted the South African authorities in drafting a new competition act and in establishing new competition authorities. The NCA also organized an international conference, entitled "Foundations of competition policy analysis", which was attended by 145 participants from 20 countries.

Portugal

34. During the last three years, the Directorate General for Trade and Competition (DGCC) of Portugal has undertaken most of its technical cooperation activities with the central and eastern European countries through the PHARE programme, as follows:

(a) Training courses and seminars for officials from Bulgaria, Estonia, Hungary, Slovakia and Slovenia;

(b) A working session in Lisbon with a high-level team from the Polish Competition Authority, which also involved the Portuguese Competition Council: the agenda of the session was focused on the organization and functioning of the Competition Authority, harmonization of competition legislation, mergers control, State monopolies, regulatory activity in the field of telecommunications and energy, distribution and the retail sector;

(c) A working session in Lisbon with representatives of the Russian Price Inspection Board and officials from the Ministry of the Economy of the Russian Federation to discuss the Portuguese price policy, infringement and fraud control;

(d) A working session in Lisbon with the Turkish Competition Authority to exchange experiences on the enforcement of competition law;

(e) A working session in Lisbon with representatives of the Taipei Fair Trade Commission with the aim of strengthening bilateral cooperation and promoting a better understanding between the two competition bodies.

35. Bilateral cooperation has also been developed with African Portuguese-speaking countries, in the form of a training course on competition policy held in Guinea-Bissau and a seminar on price liberalization and competition held in Angola. The DGCC has expressed its interest in participating in the European Commission's activities to strengthen institutional and administrative capacity ("institutional twinning") to support the preparation of the central and eastern European candidates for membership of the European Union. A working session with the Romanian Competition Authority is planned for February 1999 in Lisbon. The DGCC is also looking into the possibility of developing bilateral cooperation activities with competition authorities in Algeria, Brazil, the Russian Federation, Turkey and African Portuguese-speaking countries (within the scope of the cooperation protocols signed between the DGCC, Angola and Guinea).

Slovakia

36. The Anti-Monopoly Office of Slovakia takes advantage of the possibilities offered by the PHARE programme, complemented by resources from the Know-How Fund, the United States Agency for International Development (USAID) and the German Foundation for International Cooperation. The Office participates in international cooperation provided through the European Union, the Central European Free Trade Agreement (CEFTA), the OECD, the Commonwealth of Independent States and UNCTAD and through international agreements on free trade by which Slovakia is bound. The Office maintains contacts with the countries of Europe and with the United States, its closest cooperation being with countries of central and eastern Europe and the European Union. Priorities are set by the Office in respect of long-term goals (for example, it has given priority to a decree with detailed provisions on exemptions from the prohibition of agreements restricting competition, and to the government policy to strengthen the independence of the Anti-Monopoly Office) as well as more pressing issues, such as the *de minimis* doctrine, block exemptions, amending the law on the protection of economic competition in the field of concentrations, strengthening the Office's position concerning interventions of State administrative authorities and municipalities, the institutional framework of the Office and ways of strengthening its independence and position, the harmonization of Slovak competition law with the European Union's competition law, and developing closer relations with the OECD, UNCTAD and the World Trade Organization (WTO).

Spain

37. During 1998 officials from Argentina, Colombia, Costa Rica, Mexico, Paraguay and Venezuela have attended courses (of one or two weeks' duration) in Spain organized in a bilateral context and financed by the Spanish Agency for International Cooperation (AECI), with the cooperation of the Latin American Economic System (SELA).

Sweden

38. In 1998 the Swedish Competition Authority was involved in providing technical assistance to several countries, in particular to countries applying for membership of the European Union, with priority being given to the Baltic States. Officials from the Baltic States visited the Authority to learn about the Swedish experiences of competition law enforcement. A delegation from the Polish Competition Authority as well as delegations from Botswana, Romania, Ukraine and Zambia also visited the Authority. Experts from the Swedish Competition Authority also delivered lectures and participated in discussions at conferences and seminars in different countries, notably at a seminar held in Sofia in December 1998, arranged by the OECD for representatives of competition authorities from Bulgaria, Croatia and Romania. Officials from the Authority also discussed competition issues at seminars in Estonia, Lithuania and Ukraine. The Authority also arranged a two-day seminar for a number of Estonian judges to study the application of the competition rules by the Authority and by the Market Court.

39. With reference to the previous Swedish reply on the request for information on technical assistance, the present reply stated that in some countries, particularly those in transition to a market economy, both the competition authorities and the administration as a whole appear to need assistance in implementing competition policy, while in countries with more experience of competition policy, there seems to be a demand for practical training by the competition authorities in competition law enforcement. Specific competition problems related to deregulation in infrastructure sectors are another area of priority. There is also a need for assistance in the area of market access and for clarification of the relationship between competition policy and trade policy, probably as a result of the work in WTO. Greater efficiency in the provision of assistance would release more resources for technical cooperation; such efficiency could be achieved by planning more carefully and by encouraging the exchange of information between the various parties responsible for technical assistance projects, such as national authorities and international organizations. The initiative of the UNCTAD secretariat in this regard is very welcome.

United States of America

40. In 1998, the United States federal antitrust agencies (the Department of Justice and the Federal Trade Commission) (a) provided long-term advisers to Argentina and Romania, (b) sent one or more short-term technical cooperation missions to Argentina, Brazil, Romania, Slovakia, Slovenia and Ukraine, (c) hosted as interns competition officials from Argentina, Jamaica, Kenya, Peru and Switzerland, (d) participated in OECD competition conferences in Kiev and Vienna, and (e) provided two sets of comments to UNCTAD on the proposed

Egyptian competition law. Most of the expenses for these technical cooperation activities were met by USAID; some of the expenses for the two Kenyan interns were met by UNCTAD.

Economic Commission for Africa

41. As the technical assistance provided by the Economic Commission for Africa (ECA) to member States in the area of competition law and policy is very specialized, this assistance has been modest and has centred on trying to help African countries share experiences in developing competition law and policy. In 1997, ECA undertook a preliminary study on competition law and policy in the context of African countries, with a view to reviewing progress made by African countries in implementing competition law and policy. The study served as a background paper for an ad hoc expert group meeting organized by ECA in early 1998 in collaboration with UNCTAD and WTO, on follow-up activities to the First WTO Ministerial Conference.

European Commission

Central and eastern European countries

42. The European Agreements stipulate that the Community shall provide the central and eastern European countries (CEECs) with technical assistance in the harmonization of legislation. During 1998 the Commission provided technical assistance on competition through study tours, seminars and working groups. An official from the Slovenian Ministry of Finance visited the United Kingdom, while three officials from the Polish Ministry of Economic Affairs visited the Netherlands. The Commission organized a two-day seminar on Community anti-trust policy and another on State assistance policy, in cooperation with the Centre for European Studies in Strasbourg. In addition, it organized two one-week seminars, entitled "joint training sessions", in Brussels, which analysed anti-trust policy and State assistance policy. The first joint training session was intended for officials with no experience in the area of competition, while the second was attended by senior officials. A number of external working groups (of two days' duration) on State assistance were held in Estonia, Lithuania and Slovenia. Community legislation and policy were explained to officials from authorities granting State assistance.

Latin America

43. Directorate-General IV (DG-IV) acts in conjunction with DGIB, which is responsible for external relations and manages budgetary resources. Ever since the establishment of a full range of agreements with the Latin American countries, the Commission's strategy has been to strengthen relations with various groups of countries (MERCOSUR, Andean Community and, possibly, Central American Isthmus countries where the process of integration and linkage with CARICOM is reviving). Identification missions were already undertaken in 1997 to MERCOSUR and the Andean Community. Pending the establishment of a schedule, various ad hoc cooperation activities have been initiated: (a) compilation of competition legislation of the Latin American and Caribbean countries; (b) establishment of a file of competition authorities and institutions in order to facilitate relations between officials responsible for implementing competition policy and the business

world; (c) establishment of a *Boletín Latinoamericano de competencia*, a periodical to which all countries contribute; coordination is ensured by the Commission, the bulletin is published by the various countries in turn and distribution is via the Internet; (d) the Commission receives over 200 e-mail requests for consultation annually from competition authorities and other institutions; they are all carefully considered with the aim of giving specific answers to requests.

44. The Commission has initiated negotiations with Mexico on the establishment of a free-trade regime. Under the interim agreements of 1997, it is stipulated that the European Union and Mexico will have a cooperation mechanism that will extend to technical cooperation. Specific results of these negotiations are expected by the end of 1999. Similarly, negotiations with MERCOSUR and Chile are scheduled for next autumn.

The Mediterranean region

45. Coordination is also ensured with DGIB. Agreements have already been concluded with Israel, Jordan, Morocco, the PLO and Tunisia or are in the course of negotiation (with Algeria, Egypt, Lebanon, and Syria). The provisions relating to competition contain clear commitments aimed at harmonizing the competition policies of the countries concerned with the Community regime. Only Algeria and Tunisia have made requests for technical assistance. The first report identifying a programme of technical assistance for Tunisia has been prepared by a consultant and is being studied by the Tunisian authorities. On the recommendation of DG-XV and DGIB, a communication from the Commission concerning "Mediterranean partnership and the single market" has been prepared. It proposes, *inter alia*, horizontal activity in the area of competition, which will enable progress to be made in cooperation and technical assistance.

African, Caribbean and Pacific States

46. The promotion of the competition policy of the ACP States and cooperation between these States, and between these States and the European Union, is one of the objectives of negotiations on a partnership agreement for development which were initiated by the Union and the ACP States in September 1998. The capacity of the ACP States to deal with this question constitutes a prerequisite for successful integration within the world economy. The negotiations must give rise to an EU/ACP partnership agreement before 1 March 2000, when the current Lomé Convention expires. In this connection, the Commission intends to establish a "programme of assistance in integration within the world trade system" with substantial resources, which will finance technical assistance activities in various trade-related fields, including competition policy.

World Trade Organization

47. The Singapore Ministerial Declaration (para. 22) provides that the technical cooperation programme of the WTO secretariat shall be available to developing and, in particular, least developed country members, to facilitate their participation in the Organization's work programme on the interaction between trade and competition policy. To this end, the WTO secretariat has

organized, in cooperation with other intergovernmental organizations, special events to facilitate the participation of developing countries in the work programme of the Working Group on the Interaction between Trade and Competition Policy. In addition, a staff member of the WTO secretariat has participated in events sponsored by other intergovernmental organizations or by Governments to promote understanding of issues in this area. WTO secretariat officials have also maintained regular contacts with representatives of developing countries based in Geneva and visiting experts from capitals as well as with officials in their capitals, in order to facilitate their preparation for and participation in the meetings of the Working Group. More specifically, the WTO secretariat has contributed to the following technical cooperation events and activities relating to competition law and policy:

(a) On 29 November 1997, WTO, in cooperation with UNCTAD and the World Bank, hosted a symposium on competition policy, economic development and international trade, which was open to participants in the work programmes related to competition policy of all three organizations;

(b) On 25 July 1998, WTO, again in cooperation with UNCTAD and the World Bank, hosted a second symposium, open to the same participants, on "competition policy and the multilateral trading system: issues for consideration in the international community";

(c) In 1998, a member of the WTO secretariat took part in the UNCTAD regional seminars on competition policy for African countries held in Cairo and Libreville and made presentations on the work of the Working Group and related matters;

(d) A member of the secretariat also participated in a meeting of the APEC Working Group on Competition Policy and Deregulation in Kuantan, Malaysia, in September 1998 and in a conference sponsored by the Turkish Competition Authority in October 1998, which included representatives of newly-established competition authorities in several economies in transition;

(e) The secretariat provided extensive, informal advice to delegations in Geneva on how to prepare their written and other inputs to the Working Group;

(f) A module on the interaction between trade and competition policy has been presented on several occasions, as an element of the general course run by WTO on trade policy for the staff of developing country member Governments.

48. The secretariat plans to hold a third symposium in the coming year, again in cooperation with other intergovernmental organizations if possible, on aspects of the programme of further work set out in the 1998 report of the Working Group. The possibility of organizing one or more regional seminars relating to the Working Group's programme will also be explored. In addition, the secretariat will continue to provide informal assistance to delegations regarding their contributions to the Group, and to participate in seminars and other events organized by intergovernmental organizations and Governments which are relevant to the work programme of WTO in this area.

49. The WTO secretariat appreciates the continuing cooperation of UNCTAD in various aspects of its technical cooperation activities in the area of competition law and policy and believes that there are important benefits to be achieved from cooperation between the two organizations.

B. Requests for technical assistance

50. Below are some details from requests for technical assistance which identify specific areas of competition law and policy which States and international organizations would wish to see receive priority attention.

Azerbaijan

51. The Ministry of Foreign Affairs indicated that priority should be given to measures related to the protection of competition, especially the prevention of cases of discrimination, the creation of market barriers and unfair competition with the purpose of obtaining an advantage, as well as to the elimination of infringements in the area of competition law and policy, the regulation of the functioning of natural monopolies, and the creation of a control mechanism for their activities. The protection of competition and improvement of legislation on natural monopolies, including the preparation and adoption of legislative acts related to competition, has to be a major priority. Training courses should be organized for personnel in specific countries as a step towards the practical implementation of legislation to protect competition.

Botswana

52. Assistance from UNCTAD is needed in finalizing a draft competition policy, which is being discussed and examined by various interested parties. Assistance is also requested in laying the groundwork for a competition law that meets the country's requirements and in providing the necessary training in its enforcement, more particularly in developing the necessary skills to conduct investigations into restrictive business practices and the abuse of dominant position.

Burkina Faso

53. Technical assistance should be provided for the training of senior officials. Such training is essential and should accordingly be extended to senior officials of the National Commission on Competition and Consumer Protection. This is particularly important since this Commission has only recently become operational (August 1998). Short or long-term training in specialized schools such as the Competition and Fraud Control School (France) would therefore be beneficial. It could also take the form of bilateral or multilateral assistance so that concerned States could share their experiences. In this connection, the National Commission has included in its programme of activities study and information missions to certain African and European countries in order to learn about their experiences.

Colombia

54. The Spanish Agency for International Cooperation was asked to provide financing for a study on the various enactments governing the authorities responsible for examining, investigating and punishing alleged violations of competition law in Colombia. DG-IV, the European Community agency responsible for competition matters, has been asked to provide cooperation in this area. We append a communication from the Colombian Embassy in Belgium confirming the Agency's interest in establishing a cooperation programme. We also append a communication containing the specific requests for cooperation. In September 1998 the cooperation of the Inter-American Development Bank was sought for the purpose of strengthening the Office of the Superintendent of Industry and Trade with a view to the enforcement of legislation on free competition. The request covered three areas: the broadening and improvement of investigatory capacity; the development of means of support for investigations and studies on competition; and the development of functions relating to unfair competition.

55. The capacity to carry out competition investigations needs to be strengthened. At present the staff working on competition matters are too few to be able to carry out a sufficient number of investigations that will have the necessary impact on the institutionalization of competition regulations. In addition, in the course of the investigations carried out procedural errors are committed which hinder the effective conduct of the investigations. In this connection, greater resources are needed in order to be able to have more and better-trained experts, which would enable the number of successful investigations to be substantially increased.

Lebanon

56. The Ministry of Economy and Trade has indicated that technical assistance is needed in the following areas:

(a) Offences in relation to competition, such as bid-rigging, conspiracy, illegal trade practices, misleading advertising, double ticketing, multilevel marketing plan, pyramid selling, referral selling, bargain price, bait and switch selling, promotional contests, price maintenance, suggested retail price and refusal to supply;

(b) Restrictive trade practices such as refusal to deal, consignment selling, exclusive dealing, tied selling, market restriction, abuse of dominant position, delivered pricing, refusal to supply by foreign suppliers, order directing registration and conditional orders;

(c) Specialization agreements such as mergers, factors regarding prevention and lessening of competition, and joint ventures.

Malta

57. Assistance is required in the following areas:

(a) To provide the Ministry of Finance and Commerce with expertise on how to amend the Competition Act to render it more effective, especially in view of the Government's intention to make the necessary amendments for

setting up an autonomous authority to deal with both competition affairs and consumer protection: such assistance is quite urgent in view of the fact that proposals to create the Authority have already reached an advanced stage;

(b) To equip the Office for Fair Competition with the techniques necessary to handle complaints and to carry out investigations, since awareness of the Competition Act has effectively increased over the past months;

(c) To advise the Government about those undertakings in which directly or indirectly it has a controlling interest and which are currently acting in breach of the Competition Act, but which are exempted from the relevant provisions.

Nepal

58. Any initiative to realize technical cooperation in the field of competition law and policy would be welcome.

Zimbabwe

59. The Industry and Trade Competition Commission is still in its formative stages and hence needs as much help as possible in dealing with the main issues related to the adoption and efficient application of competition law and policy.

Economic Commission for Africa

60. The Commission wishes to undertake further work, based on country case studies, on the implementation of competition law and policy in Africa and the problems African countries face as they implement trade and investment reforms and adjust their legal systems. In the view of the ECA, this is an area in which UNCTAD and ECA could further enhance collaboration. The ECA wishes to cooperate with UNCTAD in mobilizing extrabudgetary resources to support efforts to implement competition law and policy in Africa.
